UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.74
12 April 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Dominican Republic

1. The Committee considered the fourth to eighth periodic reports of the Dominican Republic (CERD/C/331/Add.1) at its 1364th and 1365th meetings (see CERD/C/SR.1364 and 1365), on 23 and 24 August 1999, and adopted, at its 1369th meeting (see CERD/C/SR.1369), on 26 August 1999, the following concluding observations.

A. Introduction

2. The Committee takes note of the submission by the Dominican Republic of its long overdue report. It expresses its satisfaction over the resumption of the dialogue with the State party and the willingness expressed by the delegation to comply with its reporting obligations under the Convention. It also welcomes the supplementary information provided by the State party in writing as well as during the oral presentation. The Committee regrets, however, that the report did not follow the Committee's reporting guidelines and lacked important information about the implementation of the Convention. The Committee also regrets that the State party has not yet submitted a core document.

B. Positive aspects

3. The Committee takes note of the information provided by the State party on the ethnic composition of the population and on domestic legislation governing the acquisition of nationality and education programmes intended to combat racial prejudices, although this information was not complete.

4. The Committee takes note of the recent acceptance by the State party of the jurisdiction of the Inter-American Court of Human Rights, as well as the

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decision of the Supreme Court that regulates the procedure for the exercise of the right of protection in cases of violation of fundamental rights by public authorities.

C. Principal subjects of concern

5. Concern is expressed at statements contained in the periodic report that no racial prejudice exists in the Dominican Republic and that the State party never perceived any need to condemn racial discrimination within the meaning of article 2 of the Convention, as no country can claim the total absence of racial discrimination in its territory or be confident that it will not appear in the future.

6. Concern is also expressed about the situation of the large number of Haitians living in the country, the majority of them illegally, in view of information that they, and in particular women and children, are often unable to enjoy the most basic economic and social rights, such as housing, education and health services.

7. The Committee is also concerned at reports that racial prejudices exist not only against Haitians but also against the darker-skinned Dominicans.

8. The inadequacy of the present legislation, including the Penal Code, to enable the State party fully to discharge its obligations under article 4 of the Convention is a further matter of concern.

D. Suggestions and recommendations

9. The Committee recommends the State party to take the necessary steps to meet the requirements of articles 2 and 5 of the Convention.

10. The Committee recommends that in the current process of reform of the Penal Code the provisions of article 4 of the Convention be taken into consideration.

11. The Committee recommends that the State party take urgent measures to ensure the enjoyment by persons of Haitian origin of their economic, social and cultural rights without discrimination. Efforts should be made, in particular, to improve their living conditions in the bateyes (shanty towns).

12. The Committee recommends that the State party address the requirements of article 6 of the Convention by facilitating access to the courts and other competent institutions for victims of racial discrimination and ensuring that the perpetrators of racist acts are brought to trial and the victims obtain adequate reparation or satisfaction.

13. The Committee recommends that the State party take all appropriate measures to give effect to the provisions of article 7 of the Convention, with a view to combating racial prejudices in society and promoting understanding and tolerance among individuals and groups with different characteristics in terms of race, colour, descent or national or ethnic origin.

14. Measures should be taken to ensure that law enforcement officials receive appropriate training in matters pertaining to the Convention. The Committee recalls in this respect its general recommendation XIII.

15. The Committee requests that the State party include, in its next periodic report, information about the implications of the proposed social security scheme for the prevention of racial discrimination. It also requests information about the reform of the Penal Code currently under way, in particular with respect to matters pertaining to the Convention.

16. The State party should take all appropriate steps to acquaint the population with the Convention and to publish the periodic reports as well as the Committee's concluding observations.

17. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties.

18. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making the declaration be considered.

19. The Committee recommends that the State party's next periodic report, due on 24 June 2000, be a comprehensive one, follow the reporting guidelines and take account of the points raised in these concluding observations.

UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.75
12 April 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Azerbaijan

1. The Committee considered the initial and second periodic reports of Azerbaijan (CERD/C/350/Add.1) at its 1358th and 1359th meetings (see CERD/C/SR.1358 and 1359), on 18 and 19 August 1999. At its 1368th meeting (see CERD/C/SR.1368), on 25 August 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the initial and second periodic reports submitted by the State party in one document and the additional written information provided by the delegation as well as the opportunity thus offered to open its dialogue with the State party. It expresses its satisfaction at the high quality of the report, its conformity with the guidelines and the participation of non-governmental organizations in its preparation. The Committee has been encouraged by the presence of a high-ranking delegation and expresses its appreciation for the constructive dialogue with its members.

B. Factors and difficulties impeding the
implementation of the Convention

3. After regaining independence in 1991 the State party was soon engaged in war with Armenia, another State party. As a result of the conflict, hundreds of thousands of ethnic Azerbaijanis and Armenians are now displaced persons or refugees. Because of the occupation of some 20 per cent of its territory, the State party cannot fully implement the Convention.

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C. Positive aspects

4. The Committee notes with satisfaction that on ratification the International Convention on the Elimination of All Forms of Racial Discrimination, like other international instruments, became an integral part of the State's domestic legislation. It is particularly encouraged by the measures to secure the independence of judges and by the establishment of a special directorate to investigate irregularities in the treatment of members of the public by police officers.

5. The State party's efforts in supporting the teaching of the languages of minorities and other measures in the fields of teaching, education, culture and information on human rights are welcomed.

6. The Committee notes with appreciation the State party's implementation of an international cooperation programme in the field of human rights in cooperation with the Office of the United Nations High Commissioner for Human Rights.

D. Principal subjects of concern

7. The Committee expresses its concern about the continuation of the conflict in and around the Nagorny-Karabakh region of the Republic of Azerbaijan. Since the conflict undermines peace and security in the region and impedes implementation of the Convention, the Committee hopes that a solution can be found in accordance with the principles identified in the framework of the OSCE and with internationally recognized human rights standards.

8. Since the 1989 census the Russian-speaking and Armenian minorities have greatly declined in numbers. More information is needed on all ethnic groups, their geographical location and economic and social circumstances.

9. While noting that the State party's Constitution guarantees the equal rights of every person irrespective of race, and that domestic legislation criminalizes acts of racial discrimination, the Committee is concerned about the lack of information on the implementation of articles 2 and 4 of the Convention and about the difficulties which organizations promoting the objectives of the Convention have apparently encountered when seeking official registration.

10. Although the Committee notes that the State party's Constitution guarantees the enjoyment, without discrimination, of most of the rights mentioned in article 5 of the Convention, it remains acutely concerned about the effective enjoyment of these rights by persons belonging to ethnic groups, in particular by persons belonging to the Armenian, Russian and Kurdish minorities when seeking employment, housing and education.

11. The Committee shares the State Party's concern about the situation of displaced persons and refugees which has resulted from the conflict and the occupation of part of the State party's territory.

12. The Committee takes note of the information on the existing legal means for lodging complaints in cases of racial discrimination. It fears that the absence of complaints by victims of racial discrimination may indicate ignorance of or a lack of confidence in the available legal remedies.

E. Suggestions and recommendations

13. The Committee suggests that the State party analyse the findings of the forthcoming census to throw light on the relatively great emigration from the Russian-speaking and Armenian minorities and on the economic and social situation of the other ethnic groups.

14. With regard to articles 2 and 4 of the Convention and in order better to evaluate the concrete implementation of these articles, the Committee requests the State party to include in its next periodic report relevant articles of the Constitution, Criminal Code and the Laws on Political Parties and Public Organizations and information on how these laws are applied.

15. The Committee recommends that the State party also include in its next report appropriate extracts from the Law on Citizenship so that the Committee can consider the extent to which it is in conformity with the Convention.

16. The Committee recommends that the State party utilize all available means, including international cooperation, to ameliorate the situation of displaced persons and refugees, especially regarding their access to education, employment and housing, pending their return to their houses under conditions of safety.

17. The Committee also recommends the State party to consider establishing a national human rights institution to facilitate the implementation of the Convention, in accordance with the Committee's general recommendation XVII.

18. With regard to the implementation of article 6 of the Convention, the Committee recommends that the State party take further steps to facilitate equal access to the courts and administrative bodies for all persons belonging to ethnic minorities and provide information on the right to seek just and adequate reparation for any damage suffered as a result of racial discrimination.

19. The Committee encourages the State party to continue cooperating with the Office of the United Nations High Commissioner for Human Rights in the protection of human rights, against racial discrimination. In this connection, the Committee recommends the State party to consider promoting the education and training on racial tolerance and human rights issues of law enforcement officials, in accordance with article 7 of the Convention and general recommendation XIII of the Committee.

20. The Committee noted with concern the allegations made by the reporting State that another State party is not giving effect to the provisions of the Convention. It therefore draws the attention of the State party to the procedure established in article 11 of the Convention.

21. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered. The Committee also recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

22. The Committee suggests to the State party that the report and these concluding observations be widely distributed to the public. The Committee recommends that the State party's next periodic report, due on 15 September 2001, be an updating report and that it address the points raised in these concluding observations.

UNITED
NATIONS

CERD

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on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.76
12 April 2000

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Colombia

1. The Committee considered the eighth and ninth periodic reports of Colombia (CERD/C/332/Add.1) at its 1356th and 1357th meetings (see CERD/C/SR.1356 and 1357), on 17 and 18 August 1999, and adopted, at its 1362nd meeting (see CERD/C/SR.1362), on 20 August 1999, the following concluding observations.

A. Introduction

2. The Committee welcomes the extensive report submitted by the Government of Colombia, including information concerning Colombia's large indigenous and Afro-Colombian communities. The Committee also welcomes the information provided by the State party delegation during the oral consideration of the report, including information with respect to Colombia's Roma, Jewish and Lebanese communities.

B. Positive aspects

3. The Committee welcomes in particular the candor with which the State party report recognizes that Afro-Colombian and indigenous communities continue to be the victims of systemic racial discrimination, which has resulted in their marginalization, poverty and vulnerability to violence.

4. The Committee notes with satisfaction that the 1991 Colombian Constitution includes non-discrimination provisions addressing the rights of minority communities, including formal recognition of the rights of indigenous and Afro-Colombian communities to claim title to certain ancestral lands. The Constitution also recognizes and seeks to protect the cultural and ethnic diversity of the nation.

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5. The Committee welcomes the initiatives taken by the Government of Colombia, including multi-year development programmes for the support of indigenous and Afro-Colombian communities and the establishment of a new inter-agency human rights commission under the authority of the Vice-President of Colombia to coordinate the State party's policy and plan of action on human rights and international humanitarian law.

6. The Committee notes the important decision on affirmative action by the Constitutional Court in the Cismarón case.

7. The Committee welcomes the announcement by the State party representatives that a number of measures have been undertaken to promote respect for human rights within the military structure and to restrict the competence of military tribunals to hear human rights cases involving the armed forces.

C. Principal subjects of concern

8. While noting that the constitutional framework for prohibiting racial discrimination is firmly in place, the Committee nevertheless expresses concern that the accompanying legislative framework to give effect to these provisions has not been fully enacted.

9. The Committee expresses concern once again that the State party has not adopted legislation in conformity with article 4 of the Convention, which requires the enactment of specific penal legislation.

10. Concern is expressed at reports indicating that violence in Colombia has been largely concentrated in areas where indigenous and Afro-Colombian communities live; that increasingly these communities have been targeted by armed groups; and that the Government's tactics in fighting the drug trade have led to a further militarization of these regions, creating an atmosphere that is conducive to human rights violations and the destruction of cultural autonomy and identity.

11. Taking note also of indications that a climate of impunity has infected all levels of the judicial sector and that few human rights cases have been successfully prosecuted within civilian courts, the Committee expresses concern that this climate of impunity may severely impact the rights of indigenous and Afro-Colombian communities, as these minority communities are subjected disproportionately to violations of international human rights and humanitarian norms.

12. Serious concern is expressed at reports that more than 500 indigenous leaders have been assassinated in the last 25 years and that leaders of the Afro-Colombian community have come under similar attack. While all parties to the conflict have contributed to this level of violence, the Committee notes that paramilitary groups operating in the country are reportedly responsible for a majority of the abuses.

13. It is noted that indigenous and Afro-Colombian communities are under-represented in State institutions, including in the legislature, the judiciary, government ministries, the military, and the civil and diplomatic services.

14. Emphasizing that the widespread violence which plagues Colombia has led to one of the world's largest populations of internally displaced persons, and that both the Afro-Colombian and indigenous communities have been particularly affected, the Committee expressed concern that measures by the Colombian Government to assist the displaced have been limited and that some internally displaced persons have been forced to return to regions where minimal conditions of safety could not be guaranteed.

15. Recognizing further that within the community of displaced persons

women are disproportionately represented, concern is expressed that government programmes are not responsive to the needs of many indigenous and Afro-Colombian women who are subjected to multiple forms of discrimination based on their gender and their race or ethnicity, and their displaced status.

16. Concern is expressed that development and resource exploration programmes on land subject to the property rights of indigenous and Afro-Colombian communities have been pursued without sufficient consultation with the representatives of these communities and without sufficient concern for the environmental and socio-economic impact of these activities.

17. Additional concern is expressed over the media's coverage of minority communities, including the continued popularity of television programmes that promote racial and ethnic stereotypes. The Committee notes that such stereotypes serve to reinforce the cycle of violence and marginalization that has already severely affected the rights of Colombia's historically disadvantaged communities.

18. Grave concern is also expressed at reports of "social cleansing" in urban centres involving the murder of Afro-Colombian prostitutes and street children, some of whom appear to have been targeted on the basis of their race.

19. Concern is expressed that development programmes for the support of indigenous and Afro-Colombian communities have not been and are not expected to be fully implemented owing to financial limitations.

20. The Committee is also concerned that few land titles have been allocated under legislative programmes recognizing the property rights of indigenous and Afro-Colombian communities and that bureaucratic obstacles appear to have complicated the process.

D. Suggestions and recommendations

21. It is recommended that legislation be enacted, at the earliest possible opportunity, that explicitly and comprehensively implements the obligations under articles 2 and 4 of the Convention.

22. Recognizing that many Afro-Colombians live in extreme poverty in urban slum areas, the Committee recommends that the State party take steps to address de facto racial segregation in urban centres. The Committee also requests additional information in the next periodic report on housing patterns in urban areas and on legislation that may address discrimination in the housing sector.

23. The Committee recommends that the State party implement affirmative and effective measures to ensure increased employment opportunities for minority and indigenous communities in both the public and private sectors and to advance the social, political, economic, and educational status of historically marginalized communities.

24. The Committee requests that the State party include in its next report information about the implementation and impact of the measures recently announced to promote respect for human rights within the military, in connection with the implementation of the Convention.

25. The Committee urges the State party to take comprehensive steps to protect the security and promote the well-being of Colombia's large internally displaced population, consisting mainly of persons of the indigenous and Afro-Colombian communities and, as a matter of extreme priority, to guarantee the security of indigenous and Afro-Colombian community leaders and human rights defenders across the country who have

sought to protect the rights of those communities.

26. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 during the fourteenth meeting of States parties to the Convention.

27. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some of the members of the Committee requested that the possibility of such a declaration be considered.

28. The Committee recommends that the State party's next periodic report be a comprehensive report in accordance with the reporting guidelines of the Committee and address the points raised in these concluding observations.

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Distr.
GENERAL

CERD/C/304/Add.77
12 April 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

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PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
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Kyrgyzstan

1. The Committee considered the initial report of Kyrgyzstan (CERD/C/326/Add.1) at its 1354th meeting (see CERD/C/SR.1354), on 16 August 1999. At its 1364th meeting (see CERD/C/SR.1364), on 23 August 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, prepared in accordance with the Committee's guidelines and commends the quality of the frank, detailed and informative report. However, although appreciating the presence of a representative of the State party during the examination of the report, the Committee regrets the absence of a delegation with which an in-depth dialogue could have been initiated. An oral and immediate response to the wide range of questions raised by the members of the Committee during the consideration of the report could have eliminated some of its concerns.

B. Factors and difficulties impeding the implementation
of the Convention

3. Having gained independence and obtained United Nations membership in 1992, the State party has begun the process of legislative reform in the midst of large-scale economic and political transformation. In doing so, the State party must deal with a legacy of difficult relations among various ethnic groups such as the violent clashes between ethnic Kyrgyz and Uzbek inhabitants in Osh Oblasty which occurred in 1990, resulting in human casualties and property damage.

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C. Positive aspects

4. The Committee notes the efforts of the State party to include various state institutions, ethnic communities and non-governmental organizations in the preparation of the report.

5. The Committee notes that the Constitution of the State party prohibits any kind of discrimination on grounds of origin, sex, race, nationality, language, faith, political or religious convictions or any other personal or social trait or circumstance, and that the prohibition against racial discrimination is also included in other legislation, such as the Civil, Penal and Labour Codes.

6. The Committee notes with appreciation the statement of the State party that Kyrgyzstan is a multicultural society, and the efforts of the State party to promote involvement of the civil society in activities aiming at the elimination of racial discrimination and intolerance. These include the convening of multi-ethnic *kurultai* (councils), the Assembly of the People of Kyrgyzstan, and the cooperation with the OSCE High Commissioner on National Minorities which has resulted in the holding of several international seminars on inter-ethnic relations. These have brought together international experts, national non-governmental organizations and government representatives.

D. Principal subjects of concern

7. In regard to article 5 of the Convention, concern is expressed about racial discrimination against inhabitants who are not ethnic Kyrgyz in the fields of employment and housing, in particular against the Russian-speaking minority.

E. Suggestions and recommendations

8. The Committee recommends that the State party take steps to ensure that national legislation is in full conformity with article 4 (b) of the Convention.

9. The Committee wishes to receive further information regarding the practical enjoyment by persons belonging to ethnic and national minorities of the rights listed in article 5 (e) of the Convention, in particular the right to work, including the right to equal opportunities of promotion and career development, the rights to health, education and to housing.

10. The Committee requests the State party to provide further information on the measures taken to resolve the underlying problems which resulted in clashes and unrest between ethnic Kyrgyz and Uzbek inhabitants in Osh Oblasty so as to prevent the recurrence of such incidents. The Committee also wishes to receive further information related to the criminal proceedings brought against individuals involved in the incidents, and to what extent convictions were directly linked to acts of racial discrimination.

11. In its forthcoming report, the State party should also include information on the following: the mandate and activities of the Human Rights Commission established in 1997; the 1994 State Property (De-Statization and Privatization) Act, and the criteria for naturalization.

12. The Committee suggests that the State party take steps to ensure the wide dissemination of the Convention, the periodic reports of the State party and the conclusions of the Committee.

13. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992

at the fourteenth meeting of States parties to the Convention.

14. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

15. The Committee recommends that the State party's next periodic report, which is due on 4 October 2000, be an updating report, taking into account the points raised in the present concluding observations.

UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.78
12 April 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Uruguay

1. The Committee considered the twelfth to fifteenth periodic reports of Uruguay (CERD/C/338/Add.7) at its 1350th and 1351st meetings (see CERD/C/SR.1350 and 1351), on 12 and 13 August 1999. At its 1361st meeting (see CERD/C/SR.1361), on 20 August 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the twelfth, thirteenth, fourteenth and fifteenth periodic reports submitted by the State party in one document as well as for the additional information provided orally by the delegation. The Committee expresses its satisfaction for the resumption of dialogue with the State party, interrupted since 1991. The Committee is also pleased that the report follows the guidelines, in particular that it addresses the Committee's concluding observations relating to the previous report of the State party.

B. Factors and difficulties impeding the implementation of the Convention

3. While the Committee notes with appreciation the State party's long-term achievements in the field of human development, it is of the opinion that the de facto social and economic marginalization of the Afro-Uruguayan and indigenous communities has generated discrimination against them. These factors are significant obstacles to the full implementation of the Convention.

C. Positive aspects

4. The Committee welcomes the constitutional status granted to the protection of human rights and the recognition of the principle of equality

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of persons in the State party's Constitution designed to preclude any form of discrimination, including racial discrimination.

5. The Committee welcomes the State party's inclusion of information on the demographic composition of the State party, in line with the Committee's previous recommendation. This information has proven to be a very useful tool for evaluating the implementation of the Convention in the State party.

6. The Committee welcomes the establishment of a special Commission, consisting of representatives of the State party's Central Bank and the Bank of the Eastern Republic of Uruguay, to investigate the existence of Nazi funds within the State party's financial system as well as the cooperation of this Commission with the National Jewish Committee.

7. The Committee welcomes the participation of national non-governmental organizations in the preparation of the report.

8. The Committee notes with appreciation the inclusion of information on educational programmes to enhance Uruguayan society's understanding of the Afro-Uruguayan culture.

C. Principal subjects of concern

9. The Committee remains concerned about the insufficient information on the situation of ethnic groups living in the State party's territory. Concern is also expressed about the lack of information on special measures, such as affirmative action programmes, taken for the protection of the rights of disadvantaged ethnic groups such as Afro-Uruguayans and indigenous groups.

10. The Committee remains concerned about the lack of information on the effective enjoyment of the rights provided for in, especially, article 5 (c) and (e), and in particular by members of the Afro-Uruguayan and indigenous communities. In addition, concern is particularly expressed about the situation of women belonging to the Afro-Uruguayan community, who are victims of double discrimination on grounds of both their gender and race.

11. While taking note of the information on the existing legal mechanisms (*habeas corpus* and *amparo*), nevertheless, in view of the situation that only few cases of racial discrimination have reached the courts or administrative bodies, concern is expressed about the effective access to protection and remedies against acts of racial discrimination against, in particular, the Afro-Uruguayan and indigenous communities.

12. The absence of sufficient information on the teaching of human rights, in particular on the combating of racial discrimination, in the school curricula, as well as the lack of information on awareness-raising programmes to combat racial discrimination is a matter of concern.

D. Suggestions and recommendations

13. The Committee recommends that the State party include in its next report information on the political, economic and social situations of ethnic groups living in the State party's territory. The Committee requests the State party to establish specific protection measures, such as affirmative action programmes, for members of the Afro-Uruguayan and indigenous communities, to guarantee their enjoyment of all the rights enumerated in the Convention.

14. The Committee recommends that the State party take all appropriate legislative measures to ensure that article 4 of the Convention is fully reflected in domestic law. In particular, the Committee emphasizes the importance of adequately prohibiting and penalizing acts of racial discrimination, whether they are committed by individuals, organizations, public authorities or public institutions. In this connection, in order to better evaluate the implementation of article 4 (b) of the Convention, the

Committee requests the State party to include in its next periodic report the text of the relevant articles of the Penal Code which prohibit and penalize "illicit associations".

15. The Committee also recommends that the State party take immediate and appropriate measures to ensure the enjoyment of all the rights enumerated in article 5 of the Convention in particular by members of the Afro-Uruguayan and indigenous communities and provide further information on this subject. With respect to employment, education and housing, the Committee recommends that the State party take steps to reduce present inequalities and adequately compensate affected groups and persons for earlier evictions from their houses.

16. The Committee recommends that the State party establish special programmes aimed at facilitating the social enhancement of women belonging to the Afro-Uruguayan community, who suffer double discrimination on grounds of both their gender and race.

17. The Committee recommends that the State party make additional efforts to facilitate equal access to the courts and administrative bodies for persons belonging to the Afro-Uruguayan and indigenous communities, in order to ensure equality of all persons.

18. The Committee recommends that the next periodic report of the State party include information on measures taken in the field of teaching, education, culture and information in order to combat racial discrimination, in compliance with article 7 of the Convention. In this connection, the Committee further recommends that the State party consider providing education and training on racial tolerance and human rights issues to law enforcement officials, in accordance with article 7 of the Convention and its general recommendation XIII.

19. The Committee recommends that the State party consider the ratification to the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

20. The Committee suggests to the State party that this periodic report and these concluding observations be widely distributed.

21. The Committee recommends that the State party's next periodic report, due on 4 January 2000, be an updating report and that it address the points raised during the consideration of the report.

UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.79
12 April 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Latvia*

1. The Committee considered the initial, second and third periodic reports of Latvia (CERD/C/309/Add.1) at its 1348th and 1349th meetings (see CERD/C/SR.1348 and 1349), on 11 and 12 August 1999. At its 1367th meeting (see CERD/C/SR.1367), on 23 August 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined initial, second and third periodic reports of Latvia, which was drafted in accordance with its guidelines for the preparation of reports. It also takes note of the draft core document provided as a working paper for the purpose of facilitating the examination of the report. The initiation of a frank and constructive dialogue with the State party is equally welcomed.

B. Factors and difficulties impeding the Implementation of the Convention

3. Having regained independence and obtained United Nations membership in 1991, the State party has begun the process of legislative reform in the midst of large-scale economic and political transition. In doing so, the State party must deal with a legacy of difficult relations among various ethnic groups.

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C. Positive aspects

4. The Committee notes with satisfaction that, notwithstanding the difficulties inherent in this period of transition, the State party has achieved a substantial level of social stability and made important progress in the area of legislative reform. It notes that among the first priorities established by Latvia was the ratification of international and regional human rights instruments. It welcomes the information of the State party that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, and other international treaties, have constitutional status in domestic legislation and may be directly invoked in the courts. It also takes note of the addition of a new chapter in the Constitution entitled "Fundamental human rights", which enumerates many of the rights provided for in the Convention.

5. The Committee welcomes the fact that article 69 of the Criminal Code prohibits and provides for legal sanctions against the propagation of ideas based on racial or ethnic superiority or hatred, and against organizations and individuals that propagate such ideas.

6. The Committee notes that a number of restrictions that had been applied to non-citizens have been lifted, including on the right to own land and property, access to employment in various fields and the right to social security benefits.

7. The Committee welcomes the efforts being made to provide instruction, and the materials necessary for instruction, in minority languages. It notes also the efforts to facilitate instruction of members of minority groups in the national language, Latvian, particularly to adults who may not have had an opportunity to learn it in school.

8. The Committee also welcomes the comparative studies, referenda and invitations to residents of Latvia to engage in a national dialogue on such issues as differences in treatment of citizens and non-citizens, amendment of the Citizenship Law and the Framework Document for a National Programme on the Integration of Society.

9. The Committee notes with interest that measures have been taken to incorporate the cultivation of mutual tolerance and respect for the identity of different ethnic groups into school curricula at various levels of instruction on human rights.

D. Principal subjects of concern

10. Concern is expressed at the absence of a legal provision explicitly defining racial discrimination, in accordance with article 1 (1) of the Convention.

11. While noting the legislation adopted with respect to article 4 of the Convention, it is noted with concern that no case of dissemination of ideas of ethnic superiority or hatred, or of the use of defamatory language or the advocacy of violence based on such ideas has been brought to justice, and no organization involved in such activities has been prohibited, although the existence of such cases has been widely reported.

12. The Committee notes that only such persons who were citizens of Latvia before 1940 and their descendants have automatically been granted citizenship, while other persons have to apply for citizenship. Therefore, more than 25 per cent of the resident population, many of them belonging to non-Latvian ethnic groups, have to apply and are in a discriminatory position. Although the naturalization process has recently been made more accessible for elderly persons and for children, it is noted with concern that the qualification requirements may not be easily met and the naturalization process remains slow.

13. The Committee draws attention to the situation of persons who do not qualify for citizenship under the Citizenship Law and who are also not registered as residents, including those leaving the country temporarily. Concern is expressed that such persons may not be protected against racial discrimination in their exercise of rights under article 5 (d) (i) and (ii) and 5 (e) of the Convention.

14. Concern is also expressed about reports that there are still unjustified differences of treatment between citizens and non-citizens, mostly members of minorities, in the enjoyment of the rights provided for in article 5 (e) of the Convention.

15. With respect to article 5 (d) (i), concern is expressed that passports for non-citizens, replacing those issued by the former USSR, are being issued at an unreasonably slow pace. As the old passports are no longer valid for travel, persons who have not obtained a new Latvian passport are effectively prevented from leaving the country or, once departed, are prevented from returning.

16. It is noted with concern that the legislation of the State party requires a person's ethnic origin to be recorded in his or her passport, which may expose members of some minorities to discrimination on grounds of their origin.

17. Concern is expressed over the difficulties hampering the operation of the National Human Rights Office, established in 1996 in accordance with international standards on national human rights institutions, since these have direct consequences for the implementation of article 6 of the Convention.

18. Information that instruction in minority languages may be reduced in the near future is noted with concern.

E. Suggestions and recommendations

19. The Committee recommends that the State party take into account in its legislation the definition of racial discrimination in line with article 1 (1) of the Convention.

20. The Committee recommends the State party to actively implement all the provisions of article 4 of the Convention and to include in future reports information on cases brought to justice and their outcome.

21. The Committee urges the State party to streamline the process of naturalization for all those who apply for citizenship. It also encourages the State party to keep the criteria for eligibility under review, so as to solve this problem as soon as possible.

22. The Committee recommends that steps be taken to regularize as soon as possible the status of persons who do not qualify for citizenship and are not registered as residents, in order to avoid discrimination against them.

23. It is also recommended to the State party to review the differences of treatment between citizens and non-citizens, mostly persons belonging to ethnic groups, in the light of the provisions of article 5 (e), so as to eliminate any unjustifiable differences.

24. The Committee recommends the State party to reconsider the requirement to record ethnic origin in passports.

25. The Committee attaches great importance to the speedy resolution of problems facing the National Human Rights Office and calls on the State party

to address this as a matter of urgency. The Committee requests information in the next periodic report of the activities of the Office, particularly the number of cases it has dealt with, the solutions that it has achieved for petitioners and its role in the review of national legislation and the consideration of proposed new laws relevant to human rights.

26. The Committee urges the State party to maintain the possibility to receive an education in languages of various ethnic groups or to study those languages at different levels of education, without prejudice for learning the official language, as well as of using mother tongue in private and in public.

27. In view of the need for persons involved in the administration of justice to adapt to a quickly evolving legal system, the Committee recommends that the State party undertake as a matter of priority the training of judges and other members of the legal profession in international human rights standards.

28. The Committee recommends that a wide dissemination be given in the Latvian and Russian languages to the report submitted to this Committee and to the present concluding observations.

29. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

30. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

31. The Committee recommends that the State party's next periodic report, which was due on 14 May 1999, be an updating report, taking into account the points raised in the present concluding observations.

UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.80
12 April 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Iraq

1. The Committee considered the fourteenth periodic report of Iraq (CERD/C/320/Add.3) at its 1344th and 1345th meetings (see CERD/C/SR.1344 and 1345), on 9 and 10 August 1999, and adopted, at its 1360th meeting (see CERD/C/SR.1360), on 19 August 1999, the following concluding observations.

A. Introduction

2. The Committee welcomes the fourteenth periodic report of the State party, which submitted only two years after the submission of the previous report and contains replies to issues raised by the Committee in 1997. That shows the State party's willingness to maintain a regular dialogue with the Committee. The Committee further welcomes the supplementary information provided by the State party in the annexes to the report as well as during the oral presentation. However, it regrets the limited information provided with respect to the implementation of some articles of the Convention, despite the recommendation made in the Committee's previous concluding observations that the fourteenth report should be a comprehensive one.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes the difficult economic and social situation prevailing in the country as a result of the war with the Islamic Republic of Iran, the Gulf War and the economic sanctions, as well as foreign military incursions in different areas of the country, which have caused human suffering as well as the destruction of part of the country's basic infrastructure and, ultimately, have had a negative impact on the full implementation of the human rights treaties, including the Convention. The Committee recalls in this respect that other human rights treaty monitoring

bodies, such as the Committee on Economic, Social and Cultural Rights (especially in its general comment No. 8 (1997)), the Committee on the Rights of the Child and the Human Rights Committee have recognized the adverse consequences of the economic sanctions on the enjoyment of human rights by the civilian population and that, in its decision 1998/114, the Subcommission on Prevention of Discrimination and Protection of Minorities appealed to the international community, and to the Security Council in particular, for the embargo provisions affecting the humanitarian situation of the population in Iraq to be lifted. The Committee also takes note of a recent report of UNICEF which describes the tragic situation of children, including the loss of many lives, as a result of the economic sanctions. Those sanctions also affect the areas inhabited by ethnic groups.

4. The Committee joins the appeals to the international community and the United Nations, in particular, the Security Council, for the lifting of those embargo provisions affecting, in particular, the humanitarian situation of the population of Iraq.

5. The fact that the State's Central Administration lacks control over the northern governorates, where large numbers of Kurds, Turkmen and Assyrians live, the infighting between Kurdish factions and foreign military incursions by foreign powers, hamper the implementation of the Convention by the State party in that region and makes it difficult for the Committee to exercise its monitoring functions.

6. Despite all the difficulties the Committee considers that the Government of Iraq maintains the competence for the implementation of its obligations under the terms of the Convention.

C. Positive aspects

7. It is noted with interest that the State party remains committed to the declaration of 1970 which recognized the ethnic, cultural and administrative rights of Kurdish citizens in the areas in which they constituted a majority, as well as to the Iraqi Kurdistan Regional Autonomy Act of 1974 by which the Autonomous Region was established as a separate administrative unit endowed with distinct personality. The laws and regulations aiming at protecting the cultural identity of the Turkoman minority and the Syriac-speaking community, dating back to the 1970s, are also commended. All those norms aiming at establishing high standards for the protection of the identity of the respective groups.

8. The Committee welcomes the measures taken by the Government of Iraq to clarify the situation of persons, including foreigners, who disappeared during the Gulf War.

9. The Committee equally welcomes the fact that an important number of refugees and other foreigners are received and live in Iraq.

10. It also welcomes the information from the Government that the internal legal order makes it possible for individuals to directly invoke the provisions of the Convention before the courts and that Iraqi legislation contains provisions prescribing penalties for acts of racial discrimination.

D. Principal subjects of concern

11. Concern is expressed as to whether, in the conditions prevailing in the northern governorates, members of minorities are able to enjoy the rights accorded to them by the legislation on autonomy and on cultural and linguistic rights.

12. Concern is also expressed over allegations that the non-Arab population living in the Kirkuk and Khanaquin areas, especially the Kurds, Turkmen and Assyrians, have been subjected by local Iraqi authorities to measures such as

forced relocation, denial of equal access to employment and educational opportunities and limitations in the exercise of their rights linked to the ownership of real estate.

13. It is also noted with concern that the situation prevailing in the northern governorates has caused much suffering and the forced displacement of a large part of the population, including for members of ethnic groups living in the area.

14. Although the Penal Code contains provisions prohibiting the establishment or membership of any association, organization or body seeking to incite intercommunal conflict or provoke feelings of hatred and animosity among the population, such provisions do not fully reflect the requirements of article 4 of the Convention.

E. Suggestions and recommendations

15. The Committee recommends that the State party, in spite of the difficulties, make all efforts to abide by its obligations under the Convention, as well as the other international human rights treaties, to respect and ensure the rights of all persons within its territory.

16. While underlining that the Government of Iraq retains the competence for the implementation of the Convention in the northern region, the Committee appeals for the establishment of a climate of peace and understanding among the different Kurdish factions and between Kurds and other persons living in the region. The Committee also appeals to the different States and forces involved in the region to stop any activities leading to or encouraging ethnic conflict and intolerance, and contribute to the peace and respect of human rights of the entire population.

17. Allegations concerning discrimination against members of ethnic minorities in the Kirkuk and Khanaquin areas, as mentioned above, should be examined by the State party. The Committee requests to be informed about the result of such investigations.

18. The Committee recommends that the State party review its legislation in order to make it comply fully with the requirements of article 4 of the Convention.

19. Measures should be taken in order to ensure that law enforcement officials receive an effective training on all matters relating to all aspects of non-discrimination covered by the Convention.

20. The State party should include in its next periodic report updated data illustrating the level of enjoyment by the different ethnic groups of the economic and social rights enshrined in article 5 of the Convention. It should also provide information about the following issues: the breakdown of the demographic composition of the population; statistics reflecting the number of persons belonging to the different minorities who are employed as civil servants in the central or local administrations; decisions issued by domestic courts as a result of complaints of racial discrimination; impact of the restrictions to the acquisition of real property, taking into account the composition of the population in the governorate of Baghdad.

21. The Committee also requests the State party to provide further information about the enjoyment by members of minorities of the right to freedom of movement and residence within the country and the right to leave their own country and return to it.

22. The Committee recommends that the text of the Convention, the periodic report, and the present concluding observations be made widely available to the public at large, also in the languages of the minorities.

23. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 during the fourteenth meeting of State parties to the Convention.

24. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

25. The Committee recommends that the State party's next periodic report, which was due on 13 February 1999, be a comprehensive report, and that it address the matters raised in the present concluding observations.

UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.81
12 April 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Chile

1. The Committee considered the eleventh to fourteenth periodic reports of Chile (CERD/C/337/Add.2) at its 1346th and 1347th meetings (see CERD/C/SR.1346 and 1347), on 10 and 11 August 1999. At its 1361st meeting (see CERD/C/SR.1361), on 20 August 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's periodic report, prepared in accordance with the Committee's guidelines, and it appreciates the opportunity to resume a dialogue with the country. The Committee commends, in particular, the frank and transparent spirit which characterized both the written report and the manner in which the delegation presented additional information and responded orally to the wide range of questions raised by the members of the Committee during the consideration of the report.

B. Positive aspects

3. The Committee commends the State party for openly recognizing the existence of racial discrimination on its territory and its historical links with conquest and colonialism. In this context, the Committee also welcomes article 1 of the Act No. 19.253 relating to the Protection, Advancement and Development of the Indigenous Inhabitants of Chile (1993 Indigenous Act) which "recognizes that Chile's indigenous inhabitants are the descendants of the human groups which have existed on the national territory since pre-Colombian times and which conserve their own ethnic manifestations, the land being for them the principal foundation of their existence and their culture".

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4. The Committee welcomes the information from the State party that, according to article 5 of the Constitution, international treaties on human rights and fundamental freedoms such as the Convention which are ratified, promulgated and made effective by the State party are directly applicable by the courts.

5. The Committee welcomes the initiatives taken by the State party to promote the rights of its indigenous population: including the enactment of the 1993 Indigenous Act; the subsequent setting up and activities of the Indigenous Development Corporation; the important steps taken by the State party to ensure the right to land of the indigenous population through land purchase and transfer to indigenous communities, and the setting up of a special judicial system for the indigenous population which recognizes custom as a mode of proof and which allows for legal conciliation of, in particular, land disputes.

6. The Committee notes that further steps have been taken towards reform of the domestic legislation, in particular the proposed amendments to the Constitution to strengthen the legal status of the indigenous population, and the draft reform of the Penal Code which is currently under discussion in the Congress and which is designed to penalize acts of discrimination on the grounds of race, or national or ethnic origin. In this context the Committee also welcomes the intention of the State party to ratify ILO Convention No. 169 on Indigenous and Tribal Peoples (169).

7. The Committee notes with satisfaction that the State party, following the previous concluding observations of the Committee, has made the declaration under article 14 of the Convention recognizing the Committee's competence to examine complaints of persons who claim to be victims of violations by the State party of the rights set forth in the Convention.

8. In relation to article 7 of the Convention, the Committee notes the 1997 educational reform and the efforts of the State party to introduce teaching about human rights and their implementation in the school curriculum. The Committee also welcomes the State party's cooperation with the Office of the United Nations High Commissioner for Human Rights and the hosting of a workshop in 1997 on the possible establishment of a permanent forum for indigenous peoples in the United Nations system.

C. Principal subjects of concern

9. The Committee is concerned about the reported findings of research showing that a considerable part of the Chilean population demonstrates intolerant and racist tendencies.

10. The Committee expresses its concern at the absence of specific legislation to enforce some of the provisions of the Convention. The Committee, taking note that the 1993 Indigenous Act contains a specific article declaring intentional discrimination against indigenous persons an offence punishable by law, and that the National Security Act prohibits fascist organizations, recalls the proposals for reform of the Constitution and the Penal Code, but remains concerned about the current absence of a comprehensive legislation in full accordance with articles 2, paragraph 1 (d) and 4, of the Convention.

11. The Committee is concerned about land disputes which occurred during the period under examination between the Mapuche population and national and multinational private companies, resulting in tension, violence, clashes with law enforcement officials and, allegedly led to arbitrary arrests of members of the indigenous population.

12. The Committee expresses its concern about the situation of migrant workers, in particular of Peruvian nationality.

D. Suggestions and recommendations

13. The Committee commends the State party for having recognized its part in the discrimination experienced by the indigenous population, recalls its general recommendation XXIII and requests that the State party consider the issue of a formal apology, as well as ways to ensure compensation to all those concerned, a policy which, *inter alia*, will significantly contribute to the process of reconciliation in the society as a whole.

14. As part of the ongoing legislation reform process, the Committee recommends that the Constitution be amended to incorporate a prohibition of racial discrimination and that the scope of the Indigenous Act be extended to cover discrimination in effect in accordance with article 1, paragraph 1, of the Convention.

15. The Committee recommends that the State party take appropriate measures, within its ongoing legislative reform, to bring its legislation into full conformity with article 4 of the Convention, in accordance with the State party's obligations under article 2, paragraph 1 (d).

16. The Committee recommends that the State party use all effective means to raise the awareness of its people about the rights of indigenous peoples and national or ethnic minorities. It encourages the State party to continue to provide instruction on human rights standards in schools and organize training programmes for, in particular, law enforcement officials, in the light of general recommendation XIII.

17. In its forthcoming report, the State party should include detailed information relating to the following: the work and activities of the Indigenous Development Corporation; the system of land distribution; the judicial system in place for the indigenous population; the situation of migrant workers, the implementation of articles 4 and 5 of the Convention and, ongoing legislative reforms.

18. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 during the fourteenth meeting of States parties to the Convention.

19. The Committee recommends that the State party's next periodic report, due on 19 November 2000, be an updating report, taking into account the points raised in the present observations.

UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.82

12 April 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Mauritania

1. At its 1340th and 1341st meetings, on 5 and 6 August 1999 (see CERD/C/SR.1340 and 1341), the Committee considered the initial report and the second, third, fourth and fifth periodic reports, submitted as a single document (CERD/C/330/Add.1), and, at its 1362nd meeting (see CERD/C/SR.1362), on 20 August 1999, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of Mauritania and the opportunity to establish contact with the State party. The Committee is encouraged to note that the State party sent a high-level delegation, led by the Minister of Justice: it has taken note of the additional information supplied by the delegation in the course of a fruitful dialogue. Although the information submitted in the written report was not complete, the Committee expresses its appreciation for the quality of the oral replies supplied by the delegation to the questions raised in the course of discussions.

B. Positive aspects

3. The action and programmes undertaken by the State party to protect the most vulnerable ethnic groups in society are welcomed. In this regard, the Committee notes the establishment of a Commissioner for human rights, poverty alleviation and social integration (1998); the establishment of a Mediator of the Republic; and the measures taken in areas such as housing, health, education, the promotion of women's rights, youth protection, and the struggle against illiteracy and against surviving traditional practices of servitude.

4. It is noted with satisfaction that the International Convention on the Elimination of All Forms of Racial Discrimination, and other international human rights instruments, take precedence over national laws in the State party and may be invoked directly before the courts.

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5. The Committee welcomes the ratification by the State party of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

6. The activities undertaken by the State party with a view to implementing article 7 of the Convention, especially the work accomplished through rural radio broadcasts and efforts to combat illiteracy, are also noted.

C. Principal subjects of concern

7. It is noted that the information supplied by the State party concerning the ethnic composition of the population and socio-economic indicators relating to the implementation of the Convention's provisions is incomplete.

8. Insufficient information has been provided about the implementation of articles 2, 4 and 6 of the Convention and about legislation on and judgements, prosecutions and penalties for acts of racial discrimination. The information given is insufficient to verify whether existing legislation is adequate to incriminate the acts referred to in article 4 of the Convention.

9. With regard to article 5 of the Convention, allegations are noted to the effect that some groups of the population, especially the black communities, are still suffering from various forms of exclusion and discrimination, especially where access to public services and employment is concerned. While the Committee notes with satisfaction that Mauritanian legislation has abolished slavery and servitude, it also notes that, in some parts of the country, vestiges of practices of slavery and involuntary servitude could still persist, despite the State party's efforts to eradicate such practices.

D. Suggestions and recommendations

10. For the submission of its next periodic report, the Committee recommends that the State party supply more detailed information concerning the ethnic composition of the population and socio-economic indicators relating to the implementation of the Convention's provisions, as stipulated in paragraphs 8 and 10 of the general guidelines on the preparation of reports.

11. The Committee recommends that the State party take all necessary legislative measures to ensure that articles 2, 4 and 6 of the Convention are fully expressed in national law. In this respect, it proposes that the State party, in its next periodic report, supply information concerning legislative measures adopted in compliance with the Convention. It would also like the next periodic report to contain judicial statistical data and, if available, practical examples of court appeals against racial and ethnic discrimination.

12. The Committee recommends that the State party include information in its next report on legislative measures and practices introduced by the authorities to give effect to the provisions of article 5 of the Convention, especially with a view to promoting the struggle against discrimination affecting the most vulnerable groups of the population, in particular the black communities, and to eradicating vestiges of practices of slavery and involuntary servitude.

13. With regard to implementation of article 7 of the Convention, the Committee encourages the State party to pursue its policy in the fields of education, teaching, culture and information. It recommends in particular that it intensify its efforts to promote the various national languages and to encourage the broad dissemination of human rights.

14. It is noted that the State party has not made the declaration provided for in article 14 of the Convention; some members of the Committee have requested that the State party consider the possibility of making such a declaration.

15. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the fourteenth meeting of States parties.

16. The Committee recommends that the State party's next periodic report be more complete and that it address all the points raised by the Committee.

UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.83
12 April 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Islamic Republic of Iran

1. The Committee considered the thirteenth, fourteenth and fifteenth periodic reports of the Islamic Republic of Iran (CERD/C/338 Add.8) at its 1338th and 1339th meetings (see CERD/C/SR.1338 and 1339), on 4 and 5 August 1999. At its 1357th meeting (see CERD/C/SR.1357), on 18 August 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's periodic report and the opportunity to continue a dialogue with the country. It appreciates the presence of a high-level delegation, which serves as an indication of the importance attached by the State party to its obligations under the Convention. The Committee also notes with satisfaction that the report constitutes a considerable improvement, in format as well as in substance, compared to previous reports.

B. Positive aspects

3. In the light of the State party's point of view on the problems involved in determining the ethnic composition of the population, the Committee notes that the information given on the ethnic composition is to a considerable extent in conformity with its previous requests and welcomes the efforts of the State party to provide statistics and breakdowns to enable an identification of different ethnic groups, including Azaris, Arabs, Kurds, Baluchis, Lurs and Turkmen.

4. The Committee notes with appreciation that the State party has a long tradition of receiving and hosting on its territory a large number of refugees, particularly of Afghan origin, and welcomes its efforts to provide the refugee community with food, shelter and health services.

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5. In the light of article 2, paragraph 2, of the Convention, the Committee welcomes the information provided by the State party on the measures taken to eliminate discrimination in areas inhabited by disadvantaged ethnic and tribal minorities and groups. In particular, the Committee appreciates the introduction of increased quotas for students from underdeveloped provinces in public universities; the allocation of resources to promote research on the root causes of the problems of economically, socially and culturally disadvantages areas, such as the low number of girls enrolled in schools or completing their education; the successful literacy campaign launched in 1979 which has resulted in a significant rise in literacy among, in particular, women from disadvantaged areas; and, steps taken by the Ministry of Health and Medical Education to promote non-discrimination in terms of health care.

6. The Committee welcomes the approbation by the Council of Ministers of a Plan for the Comprehensive Development of the Nomadic Regions and other measures taken to improve the economic, social and cultural conditions of the nomadic population, such as the establishment of mobile schools, and efforts made to ensure the availability of adequate health service.

7. In relation to article 5 (c) of the Convention, the Committee welcomes information indicating a high level of participation in both local and national elections, including the population in regions inhabited by national and ethnic minorities. It further notes with appreciation that ethnic and national minorities, in particular the Kurds, are represented in the Parliament in proportion to the demographic composition of the country.

8. The Committee notes with appreciation the establishment of national institutions to promote, review and monitor human rights enumerated in international instruments and the Constitution, in particular the Islamic Human Rights Commission and the Board for Follow-up and Monitoring the Implementation of the Constitution.

C. Principal subjects of concern

9. Concern is expressed that the definition of racial discrimination found in, *inter alia*, article 19 of the Constitution of the Islamic Republic of Iran and the 1977 Bill for the Punishment of the Propagation of Racial Discrimination, is not in complete conformity with the broad definition contained in article 1, paragraph 1 of the Convention, which refers to any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin.

10. While the efforts of the State party to improve the economic, social and cultural conditions in disadvantaged areas are acknowledged, it is noted with concern that some provinces largely inhabited by persons belonging to minorities, such as Sistan/Baluchistan and other border areas, are still economically disadvantaged.

11. It is noted that several of the civil and political rights listed in article 5 (d) of the Convention, such as the freedom of thought, conscience and religion and the freedom of opinion and expression, are enjoyed subject to certain restrictions. The Committee needs more information in order to assess whether these restrictions are in conformity with the Convention.

12. Although the report contains a good deal of information on legal provisions, sufficient information is lacking on the practical implementation of and the enjoyment of rights contained in articles 2, 4, 5 and 6 of the Convention, notably regarding the incidences of ethnically motivated practices, the number of complaints of racial discrimination and available remedies, as well as the practice of the judiciary.

D. Suggestions and recommendations

13. The Committee recommends that the State party take appropriate steps to

bring its domestic legislation into full conformity with articles 1, paragraph 1, 4 (b) and 5 of the Convention, and to ensure, in particular, that legal stipulations providing for a difference in treatment do not result in discriminatory treatment based on race, colour, descent, or national or ethnic origin.

14. The Committee recommends that the State party continue to promote economic, social and cultural development in areas inhabited by disadvantaged ethnic and tribal minorities and groups, and to encourage the participation of these minorities in such development.

15. The Committee recommends that the State party ensure that seminars, training courses and workshops on human rights organized by the Islamic Human Rights Commission, the Ministry of Education and universities include teaching about the Convention and give due attention to the concluding observations of the Committee and the relevant national legislation, in particular relating to availability of domestic remedies.

16. In its next report, the State party should include comprehensive information relating to the practical implementation of the Convention, in particular on any complaints relating to racial discrimination brought before the courts, administrative bodies or the Islamic Human Rights Commission. The State party should also provide information on available remedies, on relevant case law and practice of the judiciary, on existing limitations as to the equal enjoyment of rights and freedoms contained in article 5 of the Convention, also, the Committee would like to receive further information on the work of the Islamic Human Rights Commission and the Board for Follow-up and Monitoring the Implementation of the Constitution.

17. The Committee suggests that the State party take steps to ensure the wide dissemination of the provisions of the Convention, as well as the State party's periodic reports and the concluding observations of the Committee.

18. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

19. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some of the members of the Committee requested that the possibility of such a declaration be considered.

20. The Committee recommends that the State party's next periodic report, which is due on 4 January 2000, be an updating report, taking into account the points raised in the present observations.

UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.84
12 April 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Haiti

1. The Committee considered the tenth to thirteenth periodic reports of Haiti (CERD/C/336/Add.1) at its 1334th and 1335th meetings (see CERD/C/SR.1334 and 1335), on 2 and 3 August 1999. At its 1354th meeting (see CERD/C/SR.1354), on 16 August 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the tenth, eleventh, twelfth and thirteenth periodic reports submitted by the Government of Haiti in one document as well as the opportunity thus offered to renew its dialogue with the State party. Although the Committee welcomes that the report followed the guidelines, it is of the view that the information in the report was too concise and that the report did not sufficiently address the Committee's concluding observations relating to the previous report of the State party. The Committee is encouraged by the presence of a high-ranking delegation and expresses its appreciation for the constructive dialogue with the delegation and the additional information provided in response to the questions asked.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that the situation of human rights in the State party has improved, despite the continuing threats to its political and economic stability. In this connection, the Committee draws attention to the negative effects of the current political, economic and social crisis in the State party which have exacerbated discrimination among the different ethnic groups of the population. These factors are significant obstacles to the full implementation of the Convention.

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C. Positive aspects

4. The Committee expresses its satisfaction with the information provided in the State party's report that international instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, become an integral part of its domestic legislation and are binding on the judicial and other authorities of the State.

5. The Committee notes that the State party's Constitution (1987) embodies the principles enshrined in the Universal Declaration of Human Rights, including the prohibition of racial discrimination.

6. The Committee notes with appreciation the State party's implementation of an international cooperation programme in the field of human rights in cooperation with the Office of the United Nations High Commissioner for Human Rights.

D. Principal subjects of concern

7. Concern is expressed at the State party's repeated assertion that there is no racial discrimination as defined in article 1 of the Convention. In this connection, the Committee is of the opinion that the absence of complaints and legal action by victims of racism may possibly be an indicator of a lack of awareness of the existence of available legal remedies in cases of racial discrimination, and that members of the public may not be sufficiently aware of the protection against racial discrimination provided by the Convention.

8. While noting that the State party's domestic legislation (Decree of February 1981) makes all acts of racial discrimination punishable by law, concern is expressed at the lack of information on the implementation of article 4 of the Convention, especially on how this principle is applied by judges, lawyers and civil servants.

9. Although it is noted that the State party's Constitution (1987) guarantees the enjoyment, without discrimination, of most of the rights enshrined in article 5 of the Convention, concern is expressed about reports of human rights violations committed by members of the Haitian National Police and that too little is done to prevent persons perpetrating, with impunity, acts of violence related to racial discrimination. Concern is also expressed at the lack of domestic legislation to prevent acts of racial discrimination by individuals in implementation of articles 2 (1) (d) and 5 (e) of the Convention.

10. While noting that the State party's Civil Code (arts. 1168 and 1169) establishes a legal mechanism for reviewing complaints of racial discrimination on the part of the State, concern remains that this legislation does not fully reflect the provisions of article 6 of the Convention.

11. With regard to the implementation of article 7 of the Convention, concern is expressed that the Convention has not yet been translated into Creole, since this is the other official language.

E. Suggestions and recommendations

12. The Committee recommends that the State party in its next periodic report provide full information on the demographic composition of the population in the light of paragraph 8 of the reporting guidelines, together with socio-economic indicators on the situation of the various ethnic communities.

13. Emphasizing the role of the judicial system in eliminating racial discrimination, while noting the current reforms to that system, the Committee requests the State party to include in its next periodic report a description of the existing legal mechanisms available to lodge complaints in cases of racial discrimination (e.g., in the light of the decree of 4 February 1981 and

the relevant articles of the Civil Code). In this connection, the Committee further recommends that the State party review its domestic legislation in accordance with articles 4 and 6 of the Convention.

14. In the light of articles 2 and 5 of the Convention, the Committee recommends that the State party enact legislation for the prevention of racial discrimination in the private sector. In this connection, the Committee recommends that the State party consider the establishment of a national institution to facilitate the implementation of the Convention, in accordance with the Committee's general recommendation XVII.

15. The Committee recommends that the State party include in its next report information on the restrictions upon foreigners of different racial or ethnic origin and upon non-native Haitians, with respect to the enjoyment of the rights enumerated in article 5 of the Convention.

16. The Committee recommends that the State party consider providing education and training on racial tolerance and human rights issues to law enforcement officials, in accordance with article 7 of the Convention and general recommendation XIII of the Committee. In addition, the Committee suggests that the State party review its disciplinary action against perpetrators of police brutality with a view to reinforcing measures against such perpetrators.

17. The Committee requests the State party to include information in its next report on measures undertaken or envisaged for improving public awareness of the Convention. The Committee further suggests that the State party may wish to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights.

18. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered. The Committee also recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

19. The Committee recommends that the State party's next periodic report, due on 18 January 2000, be an updating report and that it address the points raised during the consideration of the report.

UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.85
12 April 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Romania

1. The Committee considered the twelfth to fifteenth periodic reports of Romania (CERD/C/363/Add.1) at its 1336th and 1337th meetings (see CERD/C/SR.1336 and 1337), on 3 and 4 August 1999, and adopted, at its 1360th meeting (see CERD/C/SR.1360), on 19 August 1999, the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the Government of Romania, together with the additional information provided by the delegation in reply to the questions and observations by members of the Committee during the oral consideration of the report. The Committee notes with appreciation the particular effort made to respond to concerns and requests for information expressed by the Committee on the occasion of the consideration of the previous periodic report in 1995.

B. Positive aspects

3. Note is taken with satisfaction of the legislative measures adopted since the consideration of the previous periodic report which are relevant to the implementation of the Convention, such as the Act regulating the institution of the People's Advocate and its entry into operation, and also the Act regulating the status of refugees.

4. Note is taken with interest of the establishment within the Executive of a Governmental Department for the Protection of National Minorities. In connection with the Roma, note is taken of the establishment, within that Department, of the National Office for Roma and of the efforts made at the inter-ministerial level to coordinate policies i support of this minority.

5. The efforts made to put into practice human rights education programmes,

some of which are intended for law enforcement officials, are welcomed. Note is taken of the efforts to make the police more efficient and respectful of the rights of individuals in general and of minorities in particular.

6. The efforts aimed at facilitating access to mother-tongue education for members of national minorities are also welcomed.

7. Note is taken with interest of the increase in the number of persons belonging to national minorities who are members of the organs of the Legislature and the Executive, and also of local administrative bodies.

8. The Committee takes note with satisfaction of the submission to Parliament of bills for the ratification of the amendments to article 8, paragraph 6, of the Convention, approved at the fourteenth meeting of States parties to the Convention, and for approval of the declaration provided for in article 14 of the Convention.

D. Principal subjects of concern

9. Concern is expressed that the provisions of Romanian legislation making punishable acts of racial discrimination by individuals, are not in full conformity with the provisions of article 2, paragraph 1 (d), of the Convention. The fact that legislation contains no clear prohibition of organizations which promote and incite racial discrimination, within the meaning of article 4 (b) of the Convention, is also unsatisfactory.

10. Another subject of concern is the persistence of xenophobic attitudes and prejudice against certain minorities within Romanian society, which manifest themselves on numerous occasions in various mass media.

11. The situation of Roma is a subject of particular concern since no improvements have been noted in the high unemployment rates and the low educational level traditionally predominant among members of this minority; this contributes to the continued unacceptable prevalence of the negative and stereotyped image of the minority in the rest of society. Given its disadvantaged situation in society, particular concern is caused by the absence of economic and social measures of the kind envisaged in article 2 (2) of the Convention in favour of this minority, Romania's current difficult economic situation notwithstanding.

E. Suggestions and recommendations

12. The State party should adopt measures to include in legislation provisions which fully prohibit any act of racial discrimination by individuals, as provided for in article 2, paragraph 1 (d), of the Convention, and also any organization which promotes and incites racial discrimination, within the meaning of article 4 (b) of the Convention.

13. The Committee notes the limited number of cases of racial discrimination that have come before the organs administering justice. The Committee is of the opinion that the lack of more complaints and judicial decisions may indicate a lack of awareness of the existence of available legal remedies and of the protection against racial discrimination provided by the Convention. It suggests to the State party that it take measures to remedy that situation.

14. The Committee recommends that the State party take measures to prevent and punish racist practices in the mass media. In addition, adequate means should be found to ensure that the media constitute an instrument that helps to combat racial prejudice, particularly against the Roma, and fosters a climate of understanding and acceptance among the various groups which make up the country's population.

15. Measures of affirmative action should be adopted in favour of the Roma population, especially in the areas of education and vocational training, with

a view, inter alia, to placing Roma on an equal footing with the rest of the population in the enjoyment of economic, social and cultural rights, removing prejudices against the Roma population and enhancing its capacity in asserting its rights. A coordinated effort by the various State bodies competent in this area, working in conjunction with representatives of the Roma population, is required.

16. While noting the State party's statement that in view of the absence of any practices of racial segregation or apartheid it has not taken any action to prevent or eliminate such practices, the Committee nevertheless requests the State party to take into consideration its general recommendation XIX relating to article 3 of the Convention.

17. The training programmes for law enforcement officials on human rights in general and observance of the Convention in particular must be continued. In this connection, the Committee invites the State party's attention to the content of its general recommendation XIII.

18. The Committee suggests to the State party that it take measures to ensure the effective dissemination, including in the languages of the national minorities, of the provisions of the Convention, as well as its periodic report and the Committee's concluding observations.

19. The Committee recommends that the State party's next periodic report, due on 15 October 2001, be an updating report, and that it should address all the points raised in these concluding observations.

UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.86
12 April 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Guinea

1. The Committee considered the combined second to eleventh periodic reports of Guinea (CERD/C/334/Add.1) at its 1366th and 1367th meetings (see CERD/C/SR.1366 and 1367), on 24 and 25 August 1999. At its 1370th meeting (see CERD/C/SR.1370), on 26 August 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the report of Guinea as well as the additional information provided in the core document (HRI/CORE/1/Add.80/Rev.1) and orally by the delegation. The Committee also expresses its satisfaction for the resumption of the dialogue with the State party and is encouraged by the commitment to continue the dialogue as a means of facilitating the implementation of the Convention in Guinea.

B. Factors and difficulties impeding the implementation

of the Convention

3. While noting that Guinea is a developing country, the Committee notes that the structural adjustment programme and the influx of large numbers of refugees from Sierra Leone, Liberia and, more recently, Guinea-Bissau, has had an adverse impact on socio-economic, cultural and environmental development and has impeded the full implementation of the Convention.

C. Positive aspects

4. The Committee is encouraged by the fact that Guinea has acceded to the six main international instruments of the United Nations for the protection of human rights and that its Constitution as well as its domestic legislation gives prominence to respect for human dignity and provides for the principle

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of equality as well as for the prohibition of racial discrimination.

5. The Committee notes with appreciation that the International Convention on the Elimination of All Forms of Racial Discrimination and other international instruments prevail over the domestic legislation and are binding on the judicial and other authorities of the State.

6. The Committee notes with appreciation that the State party, in cooperation with the Office of the United Nations High Commissioner for Human Rights, has introduced human rights training for police officers in accordance with general recommendation XIII and has undertaken training on reporting to international human rights treaty bodies.

7. While noting the impact of the influx of refugees, the Committee welcomes the willingness and acceptance of the State party to receive over 1 million refugees and asylum-seekers from neighbouring countries. In this regard, the Committee also notes with appreciation that the State party's domestic legislation provides for the protection of and asylum of refugees who have fled their countries because of racial or ethnic discrimination.

D. Principal subjects of concern

8. While noting that the State party's Constitution establishes the principle of equality and that domestic legislation establishes that all acts of racial discrimination are punishable by law, concern is expressed at the lack of information on the implementation of articles 2 and 4 of the Convention, especially on how these principles are applied by judges, lawyers and civil servants.

9. While the Committee notes that articles 109 and 111 of the Penal Code reflect article 4 (a) of the Convention and that the Constitution reflects article 4 (c), the lack of information regarding the remaining sections of article 4 is noted with concern.

10. While the Committee recognizes the importance of national unity and the need to avoid regionalism within the State party, concern is expressed that any measures taken to this end should not lead to racial discrimination.

11. Concern is expressed about the lack of information regarding the practical implementation of article 5 of the Convention. In this connection, the Committee is concerned about the destruction by the State of more than 10,000 homes in the Conakry Ratoma neighbourhood, belonging mainly to members of the Puhlar ethnic group; the resulting riots which led to the death of eight persons; and the inter-ethnic tension which remains in that area. The Committee is also concerned about the lack of compensation for those persons whose property was expropriated.

12. The Committee is particularly concerned that the recent developments in both the public and private sectors may have had a more adverse effect on some ethnic groups.

13. The Committee takes note of the information on the existing legal mechanisms to lodge complaints in cases of racial discrimination. In this connection and in view of the absence of complaints of racial discrimination in the State party, attention is drawn to the fact that the absence of complaints and legal action by victims of racism is not necessarily a positive sign and that it could be an indicator of lack of awareness of the existence of available legal remedies in cases of racial discrimination, and that members of the public may not be sufficiently aware of the protection against racial discrimination provided by the Convention.

E. Suggestions and recommendations

14. With regard to articles 2 and 4 of the Convention and in order better to

evaluate the concrete implementation of these articles, the Committee requests the State party to include in its next periodic report additional information on how these provisions are applied by judges, lawyers and civil servants.

15. With reference to the law concerning acts of regionalism, the Committee encourages the State party to ensure that any measures taken in this connection do not lead to racial discrimination.

16. The Committee recommends that the State party include in its next report the text of the Law on Citizenship for the Committee to evaluate the limitations on foreigners and stateless persons on the enjoyment of the rights enshrined in article 5 of the Convention. In addition, the State party is invited to provide further information on the effective enjoyment of the political, economic and social rights enumerated in article 5 of the Convention, in particular by persons belonging to ethnic groups.

17. The Committee invites the State party to include in its next report further information on the situation in Conakry Ratoma and the measures taken to address inter-ethnic tension in that area and to accommodate and/or compensate those persons whose properties were expropriated.

18. The Committee recommends that the State party consider the establishment of a national institution to facilitate the implementation of the Convention, in accordance with the Committee's general recommendation XVII.

19. With regard to the implementation of article 6 of the Convention, the Committee requests the State party to include information in its next report on measures taken or envisaged for improving public awareness of the principles and provisions of the Convention.

20. The Committee encourages the State party to continue working in cooperation with the Office of the United Nations High Commissioner for Human Rights in the protection and promotion of human rights, including the elimination of racial discrimination. In this connection, the Committee recommends that the State party consider providing education and training on racial tolerance and human rights issues to the population at large and, in particular, to teachers and school administrators, in accordance with article 7 of the Convention and general recommendation XIII of the Committee.

21. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered. The Committee also recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

22. The Committee suggests to the State party that the report and these concluding observations be widely distributed. The Committee recommends that the State party's next periodic report, due on 13 April 2000, be an updating report and that it address the points raised in the present concluding observations.

UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.87
1 May 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-seventh session
31 July - 25 August 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Uzbekistan

1. The Committee considered the initial and second periodic report of Uzbekistan (CERD/C/327/Add.1) at its 1428th meeting (CERD/C/SR.1428), on 18 August 2000, and at its 1433rd meeting (CERD/C/SR.1433), on 23 August 2000, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the comprehensiveness and high quality of the report submitted by the State party, in accordance with the Committee's guidelines, which contains relevant information about the implementation of the provisions of the Convention in the State party. The Committee welcomes the opportunity to initiate an open and constructive dialogue with the State party.

B. Positive aspects

3. The Committee welcomes the incorporation of the fundamental provisions of the International Bill of Human Rights into the Constitution of the State party.

4. The State party's ratification of the six major human rights international instruments is welcomed by the Committee. The ratification in 1992 of ILO Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation (1958) is also welcomed.

5. The Committee notes with appreciation that article 18 of the Constitution of the State party establishes the principle of equality of all

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citizens irrespective of their race, nationality, language and other attributes.

6. The Committee welcomes the creation of core institutions for the protection and promotion of human rights, including the Constitutional Court, the Parliamentary Institute for Monitoring Current Legislation, the Office of the Parliamentary Commissioner for Human Rights (Ombudsman) and the National Human Rights Centre of the Republic of Uzbekistan.

7. The measures taken by the State party in the field of teaching, education, culture and information on human rights, especially those of the National Centre for Human Rights, are welcomed by the Committee.

C. Concerns and recommendations

8. The Committee recommends that the State party include in its next periodic report an assessment of its implementing the Convention, together with information on any difficulties encountered.

9. The Committee recommends that the State party include in its next periodic report additional information concerning the status of the Convention in relation to the Constitution and other domestic legislation, with a view to providing the Committee with a better understanding of the status of the Convention in the State party's legal system.

10. With regard to measures undertaken to combat racial discrimination, the Committee notes with interest the information on the revision of legislation prohibiting racial discrimination undertaken by the Parliamentary Institute for Monitoring Current Legislation and the Parliamentary Commissioner for Human Rights (Ombudsman). In this regard, the Committee recommends that the State party include in its next report the results of this legislative review as well as information on the actions undertaken by the Ombudsman in the field of combating racial discrimination.

11. The Committee, noting with concern that some isolated cases of inter-ethnic conflict have been reported, recommends that the State party pay particular attention to the effective prevention and monitoring of possible areas of ethnic conflict.

12. The Committee takes note that articles 141, 153 and 156 of the State party's Criminal Code establish measures according to article 4 (a) of the Convention. Nevertheless, the Committee was unable to determine whether the legislation of the State party fully conforms with the provisions of article 4 (b) and (c) of the Convention. In this regard, with a view to having a clearer understanding of the scope of the State party's domestic legislation in this area, the Committee recommends that the State party include in its next periodic report the texts of relevant domestic legislation, of the Constitution, and of article 3 of the Law of Social Organizations.

13. The Committee expresses its concern at the lack of domestic legislation for the protection of refugees and asylum-seekers and at reported incidents of discrimination against refugees, especially in respect to their access to State social services. The Committee recommends that the State party enact legislation on asylum in accordance with the 1951 Convention relating to the Status of Refugees.

14. The Committee recommends that the State party undertake legislative reform to safeguard the enjoyment, without any discrimination, by all segments of the population of the economic, social and cultural rights listed in article 5 of the Convention.

15. The Committee notes with interest the statistics on complaints related to human rights violations received by the Office of the Parliamentary Commissioner for Human Rights (Ombudsman). The Committee recommends that the State party include in its next periodic report information on the practical

implementation and monitoring of articles 4, 5 and 6 of the Convention, including statistics on racially motivated complaints.

16. While the Committee welcomes the State party's initiative in the field of human rights education, it is of the opinion that the State party's educational programmes to prevent and combat racial discrimination need to be strengthened. In this regard, the Committee recommends that the State party extend its educational programmes in order to raise awareness of the population at large of all aspects related to racial discrimination.

17. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

18. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

19. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

20. The Committee recommends that the State party's next periodic report, due on 28 October 2001, be an updating report and that it address the points raised in the present concluding observations.

UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.88
1 May 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-seventh session
31 July - 25 August 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Norway

1. The Committee considered the fifteenth periodic report of Norway (CERD/C/363/Add.3) at its 1426th and 1427th meetings (CERD/C/SR.1426 and 1427), on 17 and 18 August 2000, and at its 1434th meeting (CERD/C/SR.1434), on 23 August 2000, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed updating report presented by the Government of Norway, which follows the Committee's guidelines and contains relevant information about the implementation of the provisions of the Convention in the State party. The Committee particularly welcomes the opportunity to continue a constructive and open dialogue with the State party and appreciates the detailed answers to questions raised and concerns expressed during the consideration of the report.

B. Positive aspects

3. The Committee notes that the State party consulted the Government's Advisory Committee on Human Rights as well as a number of NGOs in the drafting of its report.

4. The Committee welcomes the adoption of the Human Rights Act in anticipation that it will contribute to the implementation of the Convention.

5. The Committee welcomes the establishment of the Centre for Combating Ethnic Discrimination and trusts that the State party will ensure that it receives sufficient support to operate as an independent entity.

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6. The Committee welcomes the adoption of the Plan of Action for Human Rights as well as the Plan of Action for Recruiting Persons with an Immigrant Background to the State Sector for the period 1998-2001 to reduce structural barriers to employment and to improve measures targeted at the attitudes and practice of employers.

7. The Committee also appreciates actions by the Ministries of Education, Health and Social Affairs, the Council of Judges and the Directorate of Immigration to develop training courses to increase the knowledge and skills of public servants and judges in the prevention of racial discrimination.

8. The Committee notes that changes in policies for the reception of asylum-seekers and refugees and the institution of an Appeals Board should improve present protection against racial discrimination.

9. The Committee is satisfied that the State party is funding projects such as EXIT to develop strategies to discourage young people from supporting racist groups.

10. The Committee particularly welcomes the State party's action in apologizing to the Roma for injustices they have suffered in the past.

C. Concerns and recommendations

11. While it welcomes the incorporation of the International Covenant on Civil and Political rights, the International Covenant on Economic, Social and Cultural Rights and the European Convention on Human Rights into a single (Norwegian) Human Rights Act, the Committee is concerned that the International Convention on the Elimination of All Forms of Racial Discrimination has not been similarly incorporated. The absence of an explicit prohibition of racial discrimination in the Norwegian Constitution increases this concern. The Committee recommends that the body charged with drafting the Human Rights Act be further encouraged to introduce the provisions of this Convention into the new statute.

12. The Committee notes that there has been little progress in monitoring racial discrimination through record-keeping of racist incidents, indictments, sentences and compensation. The Committee maintains its request for information on court decisions on racial discrimination and recommends that the State party review its procedures for monitoring racist incidents in order to increase their effectiveness.

13. The Committee recommends that the effectiveness of the training courses referred to in paragraph 428 above be assessed in due course.

14. With respect to the implementation of article 4 of the Convention, the Committee notes that racist organizations have not been prohibited. The Committee reminds the State party that in its opinion, prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the right to freedom of opinion and expression.

15. The Committee is concerned that persons seeking to rent or purchase apartments and houses are not adequately protected against racial discrimination on the part of vendors. It recommends that the State party give full effect to its obligations under article 5 (e) (iii) of the Convention.

16. Noting that a commission has been established to review the State party's legislation against racial discrimination, the Committee recommends that consideration be given to the introduction of provisions within other branches of its legislation to supplement the provisions of the Criminal Code wherever this might produce more effective protections.

17. The Committee expresses concern over reports of racial discrimination in access to places of service to the general public, notably restaurants and discotheques, and over reports that the criminal law does not always provide effective protection. The Committee recommends that licences to operate such establishments include a prohibition of racial discrimination.

18. The State party is invited in its next report to provide further information on the following issues: (a) the functioning and first results of the Appeals Board for Asylum and Immigration Cases; (b) the steps taken to facilitate employment of minorities in the public sector; and (c) the results of the two plans of action mentioned in paragraph 11 of the State party's report.

19. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

20. The Committee recommends that the State party's sixteenth periodic report, due on 5 September 2001, be a comprehensive report and that it address the points raised in the present observations.

UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.69
1 May 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-seventh session
31 July - 25 August 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Holy See

1. The Committee considered the thirteenth, fourteenth and fifteenth periodic reports of the Holy See, due on 31 May 1994, 1996 and 1998 respectively and submitted in one document (CERD/C/338/Add.11), at its 1425th meeting (CERD/C/SR.1425), held on 17 August 2000. At its 1433rd meeting (CERD/C/SR.1433), held on 23 August 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee notes the submission of the report of the Holy See which followed the general guidelines for the presentation of States parties' reports. The Committee is encouraged by the constructive dialogue it had with the delegation and the positive reactions to the suggestions and recommendations made during the discussion.

3. The Committee notes that the unique structure and nature of the State party may limit the directness of the measures that can be taken to fully implement the Convention.

B. Positive aspects

4. The Committee notes with satisfaction that the laws and teachings of the Catholic Church promote tolerance, friendly coexistence and multiracial integration and that Pope John Paul II has in a number of speeches openly condemned all forms of racism, racial discrimination and xenophobia manifested through racial tensions and conflicts around the world. The Committee welcomes the solemn request of His Holiness for pardon for past acts and omissions of the Church which may have encouraged and/or perpetuated discrimination against particular groups of people around the world.

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5. The information given by Vatican Radio and Osservatore Romano (the Vatican's daily newspaper) in promoting the principles of the Convention is welcomed.

6. The Committee welcomes the efforts of the State party and encourages it to continue its active role in promoting conflict prevention and resolution as well as dialogue between and within religions. In particular, it notes the positive initiatives undertaken by the State party to promote peace and bring an end to ethnic conflicts. The State party is also encouraged to continue its initiatives in this regard.

7. Appreciation is expressed for the contributions made by the Pontifical Council for the Pastoral Care of Migrants and Itinerant People through, inter alia, declarations and programmes of action to promote non-discrimination against refugees and migrants in various parts of the world. In this context, the Committee notes the efforts undertaken by the State party to promote the rights of the Roma populations.

8. The Committee expresses its appreciation for the role of the Catholic Church in promoting education, particularly in developing countries. The Committee further welcomes the opening up of Catholic schools to children from different religious creeds as well as the promotion of tolerance, peace and integration through education. The Committee notes with satisfaction that in many countries where the majority of the population is non-Christian, Catholic schools are places where children and young people of different faiths, cultures, social classes or ethnic backgrounds come into contact with each other.

C. Concerns and recommendations

9. The Committee recommends that the State party implement, as appropriate, the Convention, and invites it to provide in its next periodic report information on the relationship of article 4 to Canon Law and Penal Law in Vatican City State.

10. The Committee notes the clarification outlined in paragraph 106 of the report concerning the involvement of ecclesiastics, against the precepts of the Catholic Church, in the genocide in Rwanda. The State party should cooperate fully with the national and international judicial authorities in connection with prosecutions relating to the Rwanda genocide.

11. While welcoming the extensive statistical information provided in the State party's report concerning the membership and administrative structure of the Roman Catholic Church as well as Catholic educational establishments globally, the Committee invites the State party to provide data on the inhabitants and administrative structure of Vatican City State.

12. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making the declaration be considered.

13. The Committee recommends that the State party undertake all appropriate measures to ensure that the report and these concluding observations are widely distributed to the public. The Committee further recommends that the State party's next periodic report be an updating report and that it address the points raised during the consideration of the report.

UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.90
1 May 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-seventh session
31 July - 25 August 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Ghana

1. The Committee considered the twelfth, thirteenth, fourteenth and fifteenth periodic reports of Ghana, which were due on 4 January 1992, 1994, 1996 and 1998, respectively, submitted as one document (CERD/C/338/Add.5), at its 1432nd meeting (CERD/C/SR.1432), held on 22 August 2000. At its 1436th meeting (CERD/C/SR.1436), held on 24 August 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee notes the reports submitted by the State party, while regretting the late submission of the twelfth, thirteenth and fourteenth periodic reports, and expresses its appreciation for the additional oral information provided by the delegation. The report was not adequately prepared in accordance with the Committee's guidelines for the preparation of States parties' reports.

3. The Committee notes that the report does not contain information on implementation of most of the concerns and recommendations expressed by the Committee in the concluding observations on the eleventh periodic report (A/47/18, paras. 128-141).

B. Positive aspects

4. The Committee notes with appreciation the State party's policy of preventing the exploitation of ethnic differences and commends the State party for the degree to which its population of more than 50 ethnic groups has avoided serious, prolonged conflict.

5. The Committee notes that article 17 of the 1992 Constitution guarantees equality before the law and prohibits discrimination on the basis of "gender, race, colour, ethnic origin, religion, creed or social and economic status". It notes with interest the definition of discrimination provided under article 17,

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paragraph 3, of the Constitution as treatment resulting "in disabilities or restrictions on some persons which are not imposed on others or resulting in privileges or advantages for some persons which are not afforded to others".

6. The Committee welcomes the establishment in 1993 of the Commission on Human Rights and Administrative Justice to protect human rights, particularly the right to be protected from racial discrimination. The Committee takes note of the capacity of the Commission to investigate violations of fundamental rights and freedoms following a complaint or on its own initiative, as well as the binding nature of its decisions on the parties. The Committee notes also the establishment of the National Commission for Civic Education and welcomes its activities in the field of human rights education and training.

7. The Committee commends the State party for adopting measures that outlaw the practice of slavery known as "Trokosi", which affects solely females in the Ewe ethnic group, and encourages the State party to strictly enforce the criminal sanctions for violations.

C. Concerns and recommendations

8. The Committee is concerned at the lack of detailed information regarding the implementation of constitutional guarantees against racial discrimination, the legal status of the Convention under Ghanaian law, and the extent to which existing legislation is sufficient to ensure the implementation of articles 2 through 6 of the Convention. The Committee recommends that the State party conduct a detailed review of relevant legislation to ensure that it implements fully the provisions of the Convention and that the State party include in its next report detailed information in this respect.

9. The Committee notes with concern that there are continuing tensions between ethnic groups in the northern region of Ghana and recommends that the State party take immediate and effective steps to address the root causes of these tensions.

10. In this context, the Committee takes note of information concerning the existence of a Permanent Peace Negotiating Team set up to mediate and seek peaceful settlement of conflicts that arise among different ethnic groups, particularly those based on disagreements regarding chieftancy, succession and land title issues, while regretting the lack of detailed information with regard to its functioning, mandate and composition. The Committee requests that the State party provide such information in its next report.

11. The Committee notes the lack of detailed information provided about the work of the Commission on Human Rights and Administrative Justice and the Commission's handling of cases regarding racial discrimination. The Committee recommends that the State party provide in its next report information on any complaints handled by the Commission that may have addressed instances of racial discrimination.

12. The Committee regrets the lack of information in the report concerning the demographic composition of the country. The Committee recalls that it drew attention to this issue in its last concluding observations. In accordance with paragraphs 8 and 9 of its guidelines on the form and content of States parties' reports, the Committee recommends that the State party provide the Committee in its next report with statistical data regarding socio-economic status, participation in public life and other relevant information concerning different ethnic groups.

13. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

14. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

15. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of the States Parties to the Convention.

16. The Committee recommends that the State party's next periodic report be a comprehensive report and that it address all the points raised in the present concluding observations.